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Chairman: Mr. Majoor ..... (Netherlands)

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The meeting was called to order at 3.15 p.m.

Agenda item 64: Promotion and protection of human rights (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/63/L.45)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/63/L.23, A/C.3/63/L.25/Rev.1, A/C.3/63/L.28, A/C.3/63/L.29, A/C.3/63/L.36, A/C.3/63/L.43, A/C.3/63/L.45 and A/C.3/63/L.46)

Draft resolution A/C.3/63/L.23: National institutions for the promotion and protection of human rights

1. **The Chairman** said that he had been advised that draft resolution A/C.3/63/L.23 had no programme budget implications.

2. **Mr. Schroeer** (Germany) said that the following delegations had joined the sponsors: Albania, Andorra, Bosnia and Herzegovina, Costa Rica, Cyprus, Estonia, Georgia, Ghana, Iceland, Israel, Lithuania, Malta, Morocco, Poland, Portugal, Russian Federation, Sierra Leone, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, and Venezuela (Bolivarian Republic of). He wished to make some revisions to the text. In the second line of operative paragraph 10 the words "in the international human rights system, especially" should be deleted. In the third and fourth lines of operative paragraph 12 the words "as well as with the World Bank, other" should be deleted. In the second line of operative paragraph 24 the words "within their respective mandates" should be inserted following "to work"; the words "in close cooperation" should be deleted, and the words "Member States and" should be inserted following "with". In the fifth line the word "joint" should be replaced by "the"; in the sixth line the words "and the United Nations Development Programme" should be deleted. He hoped the text as orally revised would be adopted by consensus.

3. **Mr. Khane** (Secretary of the Committee) announced that the following delegations wished to join the sponsors: Bangladesh, Benin, Central African Republic, Dominican Republic, Haiti, Honduras, Japan, Latvia, Lebanon, Montenegro, Nigeria, Panama, Peru, Philippines, Republic of Korea, Republic of Moldova, Serbia, Ukraine and United Republic of Tanzania.

4. *Draft resolution A/C.3/63/L.23, as orally revised, was adopted.*

Draft resolution A/C.3/63/L.25/Rev.1: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

5. **The Chairman** said that he had been advised that draft resolution A/C.3/63/L.25/Rev.1 had no programme budget implications.

6. **Ms. Nguyen** (Austria) said that a number of delegations had joined the sponsors: Albania, Australia, Belarus, Bolivia, Bosnia and Herzegovina, Dominican Republic, Ecuador, El Salvador, Georgia, Greece, Italy, Latvia, Malta, Montenegro, Poland, Russian Federation, San Marino, Serbia, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste and Ukraine. She said that in the third line of the first preambular paragraph the words "taking into consideration" should be replaced by "bearing in mind". The draft resolution enjoyed widespread support and she hoped that, as in previous years, it would be adopted without a vote.

7. **Mr. Khane** (Secretary of the Committee) announced that the delegations of Cyprus, Mauritius and Nicaragua wished to join the sponsors.

8. *Draft resolution A/C.3/63/L.25/Rev.1, as orally revised, was adopted.*

9. **Ms. Phipps** (United States of America) said that her delegation had joined the consensus in recognition of the importance of protecting the rights of minorities. Her delegation nevertheless regretted that the Human Rights Council had not lived up to expectations and had failed to prevent political alliances aimed at not telling the truth about human rights violations. She underscored that it was the understanding of her delegation that operative paragraph 5 applied solely to States that chose to engage in follow-up to the World Conference against Racism, Racial Discrimination and Related Intolerance. Her Government had objections to the Durban outcome and the current review process and did not participate in such activities. It was nevertheless proud of its efforts to protect the rights of minorities within its borders and of its work at the

international level to promote the rights of minorities on a global scale.

Draft resolution A/C.3/63/L.28: Globalization and its impact on the full enjoyment of all human rights

10. **Mr. Khane** (Secretary of the Committee) said that the sponsors had been joined by Afghanistan, Botswana, Congo, El Salvador, Honduras, Kuwait, Lesotho, Mozambique, Namibia, Nicaragua, Nigeria, Oman, Qatar, Sierra Leone, Sri Lanka, Suriname, Tunisia, Uzbekistan and Zambia.

11. **The Chairman** said that he had been advised that draft resolution A/C.3/63/L.28 had no programme budget implications. A recorded vote had been requested.

12. **Mr. Attiya** (Egypt) introduced draft resolution A/C.3/63/L.28 on behalf of the sponsors, which had been joined by Azerbaijan, Myanmar, the Philippines and Viet Nam, and said that the large number of sponsors reflected the growing interest in studying the impact of globalization, including changes in technology, production methods and means of communication in the context of the food, fuel and financial crises. The aim of the draft resolution was to promote greater understanding of those challenges and to show ways of averting the negative aspects of globalization. He hoped that the draft resolution would be adopted by consensus and that it would then be implemented by all Member States.

13. **Mr. Khane** (Secretary of the Committee) said that the sponsors had been joined by Bolivia and the Gambia.

14. **Mr. Attiya** (Egypt), speaking on a point of order, asked which delegation had requested a recorded vote on draft resolution A/C.3/63/L.28.

15. **The Chairman** said that a recorded vote had been requested by the delegation of France on behalf of the European Union.

16. **Mr. Gonnet** (France), speaking in explanation of vote before the voting on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Montenegro; and, in addition, Liechtenstein and the Republic of Moldova, said that the European Union attached great importance to globalization and its impact on the full enjoyment of all human rights. However, it could not support the draft resolution because it focused exclusively on the negative impact of globalization. The European Union acknowledged that the benefits of globalization were uneven but believed nonetheless that globalization could increase prosperity throughout the world and have a positive impact on the enjoyment of human rights. In addition, it seemed necessary to examine the effects of globalization on particular human rights on a case-by-case basis without making generalizations. The European Union had voted against a similar draft resolution at the sixty-second session and had hoped that it would have been possible for delegations to discuss the text of A/C.3/63/L.28 in informal consultations.

17. *At the request of the representative of France, a recorded vote was taken on draft resolution A/C.3/63/L.28.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad

and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Chile, Singapore.

18. *Draft resolution A/C.3/63/L.28 was adopted by 125 votes to 53, with 3 abstentions.*

19. **Mr. Attiya** (Egypt) said that his delegation had hoped that the draft resolution could have been adopted by consensus, particularly since the sponsors had held two rounds of informal consultations.

Draft resolution A/C.3/63/L.29: Subregional Centre for Human Rights and Democracy in Central Africa

20. **Mr. Khane** (Secretary of the Committee), presenting a statement of programme budget implications in accordance with rule 153 of the rules of procedure of the General Assembly, said that the additional provisions made in the programme budget for the biennium 2008-2009 in response to the request contained in resolution 62/221 had provided an additional amount of $520,100 for two elements: $381,100 under post resources for the establishment of two new posts, one P-3 and one local level and the conversion of three local level and one national officer posts; and non-post resources of $139,000 to be accommodated within the resources approved under section 23, Human rights, of the programme budget for the biennium 2008-2009. The total resources approved for the subregional centre for Human Rights and Democracy in Central Africa under section 23, for the biennium 2008-2009 amounted to nine posts and $584,500 in post resources. In addition, the Centre was supported by extrabudgetary resources of approximately $365,000, as well as two associate experts.

21. There would be no requirement for an additional appropriation in the biennium 2008-2009 if the Committee were to adopt draft resolution A/C.3/63/L.29. With regard to paragraph 5, note should be taken of section VI of General Assembly resolution 45/248 B, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

22. The sponsors had been joined by Albania, Algeria, Austria, Burkina Faso, Cape Verde, Chile, Costa Rica, Côte d'Ivoire, Croatia, Djibouti, Egypt, El Salvador, France, Ghana, Guinea, Honduras, Kenya, Lebanon, Lesotho, Liberia, Madagascar, Mali, Morocco, Portugal, Rwanda, Senegal, South Africa, Sri Lanka, the Sudan, Swaziland, the former Yugoslav Republic of Macedonia, Uganda and Zambia.

23. **Mr. Makanga** (Gabon), introducing draft resolution A/C.3/63/L.29, said that, given the international support for the Subregional Centre, his delegation hoped that the draft resolution would be adopted by consensus.

24. **Mr. Khane** (Secretary of the Committee) said that the sponsors had been joined by Bosnia and Herzegovina, Botswana, the Comoros, Ethiopia, Italy, Malawi, Namibia, Nigeria, Sierra Leone, Spain, the United Republic of Tanzania and the United States of America.

25. *Draft resolution A/C.3/63/L.29 was adopted.*

26. **Mr. Amorós Núñez** (Cuba) said that his delegation expressed its full support for the draft resolution. It was of the view that the provisions of the resolution applied to the regional area involved in the activities undertaken by the Centre.

Draft resolution A/C.3/63/L.36: Missing persons

27. **The Chairman** said that he had been advised that draft resolution A/C.3/63/L.36 had no programme budget implications.

28. **Mr. Musayev** (Azerbaijan) noted that Lebanon had erroneously been named as a sponsor. He said that in the first line of the third preambular paragraph the word "*Welcoming*" should be replaced by "*Acknowledging*". Given the importance of raising international awareness of the issue of missing persons, he hoped that the draft resolution would be adopted without a vote.

29. **Mr. Khane** (Secretary of the Committee) announced that the following delegations wished to join the sponsors: Australia, Belgium, Bosnia and Herzegovina, Colombia, Congo, Hungary, Guatemala, Latvia, Liberia, Libyan Arab Jamahiriya, Lithuania, Netherlands, Pakistan, Republic of Moldova, Timor-Leste and United States of America.

30. *Draft resolution A/C.3/63/L.36, as orally revised, was adopted.*

Draft resolution A/C.3/63/L.43: Respect for the right to universal freedom of travel and the vital importance of family reunification

31. **Ms. Pérez Álvarez** (Cuba) said that Nicaragua had joined the sponsors. Given the importance of family reunification and the free flow of financial remittances for migrants, she called on all delegations to join the sponsors and vote in favour of draft resolution A/C.3/63/L.43.

32. **The Chairman** said that the representative of the United States of America had requested a recorded vote.

33. **Ms. Phipps** (United States of America), speaking in explanation of vote before the voting, said that her delegation would vote against the draft resolution. The text, in referring to the universally recognized freedom to travel, confused the right of an individual to leave any country and to enter his home country with the sovereign right of a State to determine who could enter its territory. Furthermore, while her Government encouraged family reunification, there was no right to family reunification under international law, as implied by the text, nor was any such right recognized in practice or immigration legislation by any State.

34. Her Government considered migration that occurred in a humane, legal and orderly manner to be a positive phenomenon. Approximately 20 per cent of migrants worldwide resided in the United States; in 2007 it had welcomed more than one million permanent legal migrants, of whom approximately two thirds had entered the United States for the purpose of family reunification. Her Government believed that the family was the basic unit of society and encouraged family reunification through its generous immigration policies.

35. While her Government sought to facilitate the flow and reduce the transfer costs of remittances, she underscored there was no right per se to transfer remittances, as implied by the draft resolution. Her Government recognized the importance of such remittances for the families of migrants. States nevertheless had the right to determine the scope of their economic relations with other States and both citizens and residents were expected to comply with any legal restrictions relating to international financial transactions.

36. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/63/L.43.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Canada, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland.

37. *Draft resolution A/C.3/63/L.43 was adopted by 118 votes to 3, with 60 abstentions.*

38. **Mr. Ochoa** (Mexico) stressed the importance of family reunification and the free flow of remittances for migrant workers and their families, as basic rights that should be enjoyed by all migrants without interference. Although the fourth and fifth preambular paragraphs and operative paragraph two of the draft resolution referred to documented migrants and operative paragraph four referred to legal migrants, it was the position of his delegation that those rights should be enjoyed by all migrants, whatever their legal status, including undocumented migrants.

39. **Ms. Banzon-Abalos** (Philippines) expressed support for the rights of migrants to freedom of travel and family reunification. Those issues were especially relevant in a world where such factors as globalization, poverty, conflict and environmental change caused movements of people and challenged the unity of the family. They deserved greater attention from Governments and the international community and she urged delegations to avoid politicizing those issues, which affected the very fabric of communities and the well-being of their people.

40. A comprehensive approach must be adopted, which should include measures to increase sensitivity to the needs and rights of migrants and their families. Speaking specifically with regard to the fourth and fifth preambular paragraphs and operative paragraphs two and four, she stressed that it was the position of her delegation that the right to family reunification and to the free flow of remittances should apply to all migrants, whether documented or not.

Draft resolution C/C.3/63/L.45: Equitable geographical distribution in the membership of the human rights treaty bodies

41. **The Chairman** said that draft resolution A/C.3/63/L.45 had no programme budget implications. A recorded vote had been requested.

42. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that Bangladesh, Rwanda and Saudi Arabia had joined the sponsors. Equitable geographical distribution in the membership of the human rights bodies would ensure their objectivity. He hoped that the draft resolution would be adopted by consensus.

43. **Mr. Khane** (Secretary of the Committee) announced that the following countries also wished to join the sponsors: Bolivia, Chad, Dominican Republic, Ghana, Honduras, Sierra Leone, Sri Lanka, Indonesia, Solomon Islands, Namibia, Togo and Zambia.

44. **Mr. Lukiyantsev** (Russian Federation) said that human rights treaty bodies recognized the importance of giving consideration in their membership to equitable geographical distribution. However, failure to respect that principle in practice affected the quality of the recommendations made following review of the periodic reports of States parties and the general comments on the individual normative provisions of treaties. The situation was alarming but not hopeless; his delegation urged States parties to take the necessary action to find a solution to the problem.

45. **Mr. Amorós Núñez** (Cuba), speaking on a point of order, asked which delegation had requested a recorded vote on A/C.3/63/L.45.

46. **The Chairman** said that the delegation of the United States of America had requested a recorded vote.

47. **Mr. Amorós Núñez** (Cuba) said that he believed that all delegations were committed to ensuring equitable geographical distribution in the membership of the human rights treaty bodies and therefore hoped all delegations would be able to support the draft resolution.

48. **Mr. McMahan** (United States of America), speaking in explanation of vote before the voting, said that the draft resolution aimed to establish new standards for the recruitment of members by the human rights treaty bodies. However, those treaty bodies already had established membership procedures and already recruited members from diverse backgrounds. It was not appropriate for the General Assembly to attempt to substitute its judgement for that of States parties, which were responsible for establishing membership procedures, and it was essential to ensure that treaty bodies remained independent and objective. He therefore urged all delegations to vote against the draft resolution.

49. **Mr. Gonnet** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Montenegro; and, in addition, Liechtenstein and the Republic of Moldova, said that the European Union fully recognized the importance of giving consideration to equitable geographical distribution in the membership of the main human rights treaty bodies. However, it would vote against the draft resolution because it believed that it was not the role of the General Assembly to attempt to influence the membership procedures of treaty bodies; it was for the States parties to decide on membership procedures.

50. The European Union rejected the proposed quota system set out in paragraph 3, as well as the proposal made in paragraph 5 that the chairpersons of the human rights treaty bodies should submit recommendations to the United Nations High Commissioner for Human Rights on how to achieve better geographical representation in their respective treaty body. The European Union regretted that the delegation of Cuba had not been able to suggest ways of achieving better geographical distribution without suggesting a system of quotas. It was also regrettable that informal consultations had not been held to discuss ways of reaching an agreement on the draft resolution.

51. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/63/L.45.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Cape Verde, Timor-Leste, Ukraine.

52. *Draft resolution A/C.3/63/L.45 was adopted by 122 votes to 53, with 4 abstentions.*

Draft resolution A/C.3/63/L.46: Committee on the rights of the child

53. **Ms. Hill** (New Zealand), introducing draft resolution A/C.3/63/L.46, said that Andorra, Chile, Colombia, France, Qatar and Uruguay had joined the sponsors. The Committee on the Rights of the Child had to consider more reports from States parties than any other human rights body. There was now a substantial backlog, such that reports were often considered three or four years after submission. There was broad support for exceptional measures to be taken to address the issue, as in previous years. Consultations would continue on a revised text, which she hoped would gain consensus.

54. **Mr. Khane** (Secretary of the Committee) said that Benin, Côte d'Ivoire, Dominican Republic, Guatemala, Haiti, Honduras, Panama, Republic of Korea, Senegal and United Republic of Tanzania had joined the list of sponsors.

Agenda item 97: Crime prevention and criminal justice (*continued*) (A/C.3/63/L.9/Rev.1)

Draft resolution A/C.3/63/L.9/Rev.1: Improving the coordination of efforts against trafficking in persons

55. **Mr. Khane** (Secretary of the Committee), speaking in accordance with rule 153 of the rules of procedure of the General Assembly with regard to the programme budget implications of operative paragraphs 11 and 13 of draft resolution A/C.3/63/L.9/Rev.1, said that implementation of the activities in paragraph 11 would be funded from extrabudgetary resources. In that regard he recalled that the Executive Director of the United Nations Office on Drugs and Crime, in the report on the consolidated budget for the biennium 2008-2009 for the United Nations Office on Drugs and Crime (E/CN.7/2007/17-E/CN.15/2007/18), had indicated that extrabudgetary resources had been projected to be $294,804,200.

56. As for operative paragraph 13, he recalled that by its resolution 62/237, the General Assembly had approved regular budget resources totalling $36,819,000 under section 16, International drug control, crime prevention and criminal justice, of the programme budget for the biennium 2008-2009.

57. Accordingly, adoption of draft resolution A/C.3/63/L.9/Rev.1 would not entail any additional appropriation for the biennium 2008-2009.

58. **Mr. Metelitsa** (Belarus) wished to orally revise the text. In the first line of operative paragraph 5, the words "to continue their efforts" should be inserted following "Governments". He welcomed the flexibility shown by delegations during consultations despite differences of opinion on the advisability of a global plan of action on preventing trafficking in persons and looked forward to the submission by the Secretary-General of a background paper on coordination of efforts against trafficking in persons. He urged the Committee to adopt the draft resolution by consensus.

59. **Mr. Khane** (Secretary of the Committee) announced that the following delegations wished to join the sponsors: Bahamas, El Salvador, Jamaica, Lebanon, Mauritius (on behalf of the Group of African States), Mexico, Qatar, Saudi Arabia, Thailand and United Arab Emirates.

60. **Mr. Dhalladoo** (Mauritius), speaking on behalf of the Group of African States, said that the resolution was one of the most important at the current session. Trafficking in persons was a challenge to stability and prosperity, hindered the reconciliation of political interests with humanitarian and human rights obligations, and threatened international peace and security. Many victims were African.

61. The Group was grateful to the sponsors and other Member States for agreeing to consultations on a United Nations action plan, as proposed by the African Union in July 2008. Such an action plan would allow a coordinated approach, making use of the available legal mechanisms and involving all stakeholders, including United Nations agencies and civil society. The Group understood that the consultations would be held under the auspices of the President of the General Assembly.

62. **Mr. Gonnet** (France), speaking on behalf of the European Union; the candidate countries the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association countries Albania, Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that the European Union remained firmly committed to combating trafficking in persons, and strongly supported the United Nations Convention on Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons,

Especially Women and Children. The States parties had undertaken a range of other relevant national and regional initiatives.

63. Although the European Union would join the consensus on the draft resolution, it was not completely convinced that a global action plan against trafficking in persons would add value to existing strategies. Such a plan could divert attention from current efforts and from the instruments already in place. The European Union had, however, agreed to study the issue in greater detail.

64. The resolution called on the Secretary-General to collect the views of all stakeholders. Those stakeholders should include the bodies based in Vienna, such as the Inter-Agency Cooperation Group against Trafficking in Persons, the Convention on Crime Prevention and Criminal Justice, and the Conference of the Parties to the United Nations Convention on Transnational Organized Crime. Their input would allow an in-depth discussion, whether through a global action plan or other approaches.

65. *Draft resolution A/C.3/63/L.9/Rev.1 was adopted.*

66. **Ms. Halpern** (United States of America), speaking in explanation of vote after the voting, said that the United States remained committed to combating trafficking in persons. The Protocol to Prevent, Suppress and Punish Trafficking in Persons deserved much credit for what had been achieved thus far. Draft resolution A/C.3/63/L.9/Rev.1 welcomed the progress made at the fourth session of the Conference of the Parties to the Convention. Her country encouraged all Member States to join in that work, which was not limited to States parties.

67. It was important to strengthen the Inter-Agency Cooperation Group and support relevant regional action plans, such as those of the Organization for Security and Cooperation in Europe and the Economic Community of West African States. Any discussion of a global action plan should be deferred until the issuance of the Secretary-General's report on the question, which should include input from all concerned stakeholders, including the working group on trafficking established by the Conference of States Parties to the Convention. Her Government regretted that the Conference was not mentioned in the resolution: its mandate to promote implementation of the Protocol had a basis in article 32 of the Convention. Moreover, a global plan of action could divert valuable resources from the tasks at hand.

68. **The Chairman** suggested that the Committee should take note, in accordance with General Assembly decision 55/488, of the report of the Secretary-General on assistance in implementing the universal conventions and protocols related to terrorism (A/63/89) and the report of the Secretary-General on improving the coordination of efforts against trafficking in persons (A/63/90).

69. *It was so decided.*

Agenda item 62: Elimination of racism and racial discrimination (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/63/L.53/Rev.1)

Draft resolution A/C.3/63/L.53/Rev.1: International Convention on the Elimination of All Forms of Racial Discrimination

70. **Ms. Rondeux** (Belgium), introducing draft resolution A/C.3/63/L.53/Rev.1 and speaking also on behalf of Slovenia, said that Andorra, Azerbaijan, Bulgaria and Thailand had joined the sponsors. By adopting a resolution on the question biennially, the General Assembly reaffirmed the importance of the International Convention on the Elimination of All Forms of Racial Discrimination. In its present form, the draft resolution was intended to grant the Committee on the Elimination of Racial Discrimination an additional week of meeting time per session from August 2009 until 2011. That Committee received a growing number of reports, but had only six weeks in which to consider them. As a compromise between the wishes of various delegations, the General Assembly would, at its sixty-fifth session, reassess the Committee's meeting time. She hoped that the resolution would be adopted by consensus.

71. **Mr. Khane** (Secretary of the Committee) said that the following countries had also become sponsors: Bangladesh, Cape Verde, Chile, China, Congo, Dominican Republic, Ecuador, Guatemala, Ireland, Kazakhstan, Netherlands, Niger, Nigeria, Norway, Panama, Republic of Korea, Serbia, Spain, the former Yugoslav Republic of Macedonia and United Republic of Tanzania.

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*) (A/C.3/63/L.51/Rev.1)

Draft resolution A/C.3/63/L.51/Rev.1: Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

72. **Ms. Akbar** (Antigua and Barbuda), introducing draft resolution A/C.3/63/L.51/Rev.1 on behalf of the Group of 77 and China, said that it was largely an updated version of General Assembly resolution 62/220. The changes were aimed at endorsing the decisions of the first and second substantive sessions of the Preparatory Committee for the Durban Review Conference. The draft resolution focused on the decision to hold the Review Conference and on the modalities for its organization. It reaffirmed that there would be no renegotiation of the agreements contained in the Durban Declaration and Programme of Action, and recommended that intersessional meetings of the Human Rights Council focusing on follow-up to the World Conference and implementation of the Durban Declaration and Programme of Action should not be scheduled so as to overlap with relevant General Assembly meetings.

73. **Mr. Khane** (Secretary of the Committee) said that Kazakhstan had become a sponsor.

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/63/L.55)

Draft resolution A/C.3/63/L.55: New international order

74. **The Chairman** said that draft resolution A/C.3/63/L.55 had no programme budget implications.

75. **Ms. Al-Zibdeh** (Jordan) said that she hoped the draft resolution would be adopted by consensus.

76. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Lebanon and Pakistan had joined the sponsors.

77. *Draft resolution A/C.3/63/L.55 was adopted.*

Agenda item 55: Social development (*continued*)

(a) Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*) (A/C.3/63/L.5/Rev.1)

Draft resolution A/C.3/63/L.5/Rev.1: Implementation of the outcome of the World Summit for Social Development and the twenty-fourth special session of the General Assembly

78. **Ms. Akbar** (Antigua and Barbuda), introducing draft resolution A/C.3/63/L.5/Rev.1, made a number of oral revisions to the text. The order of the fourth and fifth preambular paragraphs should be reversed. In the seventh preambular paragraph, the phrase "is an important instrument to achieve" should be replaced by "has an important role to play, as reaffirmed in the International Labour Organization Declaration on Social Justice for a Fair Globalization, in achieving". In the tenth preambular paragraph, the word "may" should be replaced by "can", and "crisis" should be replaced by "crises". In operative paragraph 17, the word "people" should be replaced by "peoples". In paragraph 25, the word "national" should be deleted. In paragraph 41, the word "unfair" should be replaced by "some", and the word "particularly" inserted between "on employment growth" and "in developing countries". In paragraph 44, the word "contributions" should be replaced by "contribution", and "(UNITAID)" inserted after "International Drug Purchase Facility". In paragraph 49, the phrase "provide an assessment of" should be replaced by "address, inter alia,". The words "fuel and" should be deleted, and the phrase "global development goals" replaced by "social development goals".

79. The following Member States had joined the list of sponsors: Andorra, Armenia, Austria, Belarus, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland. She hoped that the draft resolution would be adopted by consensus.

80. **Mr. Khane** (Secretary of the Committee) said that the following Member States had also become sponsors: Albania, Bosnia and Herzegovina, Croatia, Iceland, Kazakhstan, Kyrgyzstan, Mexico, Monaco, Montenegro, Norway, Republic of Moldova, San

Marino, Tajikistan, the former Yugoslav Republic of Macedonia, Turkey and Ukraine.

81. *Draft resolution A/C.3/63/L.5/Rev.1, as orally revised, was adopted.*

82. **Ms. Halpern** (United States of America) said that, although her country had joined the consensus, it had concerns about the use of such resolutions to redefine the development language negotiated in Monterey; they undermined the commitment made by sponsors to increase their official development assistance. The implication in paragraph 43 that there was an agreed target for such assistance was a case in point. The United States had more than doubled its official development assistance since the Monterey conference in the belief that such assistance could be effective in leveraging critical changes in health and education, governance and free market reform. However, assistance could be misapplied and was dwarfed by other financing sources, including private investment flow, remittances and private philanthropy, which must be taken into account.

Agenda item 56: Advancement of women (*continued*) (A/C.3/63/L.14/Rev.1)

Draft resolution A/C.3/63/L.14/Rev.1: Future operation of the International Research and Training Institute for the Advancement of Women

83. **The Chairman** said that draft resolution A/C.3/63/L.14/Rev.1 had no programme budget implications.

84. **Ms. Akbar** (Antigua and Barbuda), introducing draft resolution A/C.3/63/L.14/Rev.1, said that Belarus, Israel, Italy and Spain had joined the sponsors. She hoped that, following the extensive consultations on the text, it would be adopted by consensus.

85. **Mr. Khane** (Secretary of the Committee) announced that Austria and Mexico wished to join the sponsors of the draft resolution.

86. *Draft resolution A/C.3/63/L.14/Rev.1 was adopted.*

Agenda item 63: Right of peoples to self-determination (*continued*) (A/C.3/63/L.52)

Draft resolution A/C.3/63/L.52: The right of the Palestinian people to self-determination

87. **The Chairman** said that draft resolution A/C.3/63/L.52 had no programme budget implications. A recorded vote had been requested.

88. **Mr. Attiya** (Egypt), introducing draft resolution A/C.3/63/L.52, said that the following countries had joined the sponsors: Bulgaria, Cape Verde, Congo, Costa Rica, Croatia, Ecuador, Gambia, Guinea-Bissau, Haiti, Jamaica, Liechtenstein, Lithuania, Montenegro, Republic of Moldova, Rwanda, San Marino, Slovenia, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste and Togo. The draft resolution reaffirmed the Palestinian people's inalienable right to self-determination. He hoped that it would be adopted by consensus, thereby sending to the Palestinian people a strong message of solidarity and encouragement. It would contribute to the long-overdue realization of their aspiration to have their own viable, independent, sovereign State, with East Jerusalem as its capital.

89. **Mr. Khane** (Secretary of the Committee) announced that the Central African Republic, Estonia and Ukraine wished to join the sponsors of the draft resolution.

90. **Mr. Gonnet** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Montenegro and Serbia; and, in addition, Liechtenstein, the Republic of Moldova and Ukraine, said that the European Union remained committed to the Palestinian people's inalienable right to self-determination. That right must be exercised with a view to achieving the goal set in the Quartet's road map, approved by the two parties, of a viable, independent, democratic, fully sovereign Palestinian State, enjoying territorial continuity, living in peace and security side by side with Israel and its other neighbours. That offered the best guarantee for the security of the State of Israel and its acceptance as a partner within the region. The European Union therefore welcomed the results of the conference held in Annapolis in November 2007 and hoped that the dialogue resumed on that occasion would continue and lead swiftly to an agreement accepted by all. The negotiation process should be accompanied by closer cooperation on the ground and the strengthening of Palestinian institutions. The European Union called on the parties to honour their commitments, particularly in respect of movement and access between Israel and the Palestinian Authority.

91. **Ms. Halpern** (United States of America), speaking in explanation of vote before the voting, said that the United States had worked continuously to

support the social and economic development and legitimate aspirations of the Palestinian people, as demonstrated by its high level of assistance to them, and remained committed to the two-State solution. Her delegation could not support the draft resolution, however, as it reflected an outdated approach dating from a time when the Palestinian people believed that the solution to their problems lay solely with the United Nations. The United Nations must support both parties and be perceived by both as an honest broker between them. One-sided resolutions harmed the Organization's credibility and performed no useful role.

92. *At the request of the representative of Israel, a recorded vote was taken on draft resolution A/C.3/63/L.52.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Australia, Cameroon, Canada, Equatorial Guinea, Fiji.

93. *Draft resolution A/C.3/63/L.52 was adopted by 175 votes to 5, with 5 abstentions.*

94. **Ms. Halperin** (Israel) said that her delegation fully supported the Palestinian people's aspirations to self-determination, but only in the context of the two-State solution. As the President of Israel had informed the General Assembly the previous week, that solution was closer than ever before, particularly in view of the Saudi Arabian proposal, which had developed into the Arab peace initiative. Two weeks earlier, at a meeting of the Quartet held in Sharm el-Sheikh, the Israeli Foreign Minister had reaffirmed Israel's recognition of Palestinian aspirations and had again stressed the need to recognize Israel's interests, including its right to live in peace and security, which continued to be imperilled by rocket attacks by Hamas, denounced by the President of the Palestinian Authority himself. The resolution adopted was one-sided, particularly since it failed to take into account the security of Israel or the incremental steps set out in the road map. The former Secretary-General, Kofi Annan, had questioned the approach of the United Nations to the peace process, and Member States should consider whether such resolutions brought any relief or benefit to Palestinians. It was clear that they did not and that progress could only be made through bilateral negotiations, as at the Sharm el-Sheikh and Annapolis

meetings. It was distressing that the Committee should choose to disregard such developments and had not done more to encourage genuine consultations between Israel and the Palestinian people. Her delegation had therefore called for a recorded vote and had voted against the resolution.

95. **Mr. Zvachula** (Micronesia, Federated States of) said that his delegation had voted against the resolution. Micronesia was committed to the two-State solution and could not accept some of the preambular paragraphs of the resolution, which prejudged the outcome of ongoing negotiations. Moreover, paragraph 2 endangered the impartiality of the United Nations and would not advance the Palestinian people's right to self-determination.

96. **Mr. Bowman** (Canada) said that his delegation had abstained from voting on the resolution as it did not address both parties' responsibilities for reaching a solution. Canada maintained its strong support for the Palestinian people's right to self-determination as part of the negotiated, two-State settlement laid out in the road map. He commended the bilateral negotiations begun in Annapolis and encouraged the parties to continue that process.

97. **Mr. Díaz Bartolomé** (Argentina) said that, while there was no denying the Palestinian people's right to build an independent and viable State, the exercise of the right to self-determination required the existence of an active subject in the form of a people under alien subjugation, domination and exploitation, as established in paragraph 1 of General Assembly resolution 1514 (XV). If there was no such subject, there was no right to self-determination. That right should also be interpreted in accordance with the purposes and principles set out in the Charter of the United Nations, resolutions 1514 (XV) and 2625 (XXV), and other relevant United Nations resolutions.

98. On the question of the Malvinas Islands, the relevant resolutions of the General Assembly and the Special Committee on Decolonization referred to the particular situation arising from that question. In particular, General Assembly resolution 2065 (XX), inter alia, and all the decisions of the Special Committee on Decolonization, recognized the existence of a dispute between the Argentine Republic and the United Kingdom as the sole parties concerning sovereignty, establishing that the way to resolve it was through the resumption of bilateral negotiations in order to find a just, peaceful and definitive solution, taking into account the interests of the population of the Islands; the right to self-determination was not, therefore, applicable to that question.

99. **Ms. Nadya Rasheed** (Observer for Palestine) said that it was crucial to reaffirm the Palestinian people's right to self-determination, which was being denied. Israel's vote against the resolution showed that it was opposed to the two-State solution, which required mutual recognition by the two parties. That was a prerequisite for negotiations. Israel's continued colonization of the occupied territories, including East Jerusalem, threatened the Palestinian people's right to self-determination, as did all the crimes and atrocities perpetrated against the Palestinians by the occupying Power. Moreover, the strong vote in favour of the resolution showed the failure of Israel's attempts to misrepresent the facts on the ground.

100. She was perplexed by the dichotomous position of the United States, which, while expressing support for the establishment of an independent Palestinian State, denied the Palestinians' right to statehood and to self-determination. She called on the United States delegation to reconsider its vote. The Palestinian people had been dreaming of statehood for more than 40 years and would never succumb to oppression.

101. **Ms. Hibell** (United Kingdom), speaking in exercise of the right of reply in accordance with rule 115 of the rules of procedure, said that the United Kingdom's position on the Falkland Islands was well known: it had no doubt regarding its sovereignty over the Falkland Islands. That position was based on the principle of self-determination, as set out in article 1, paragraph 2, of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. There could be no negotiations with respect to the sovereignty of the Falkland Islands unless, and until, the inhabitants wanted negotiations to take place. The islanders had made it clear on several occasions that they did not want any change in the status of the islands.

The meeting rose at 5.55 p.m.